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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

JEFFREY L. CLEMENS,)	Case No.
)	
Plaintiff,)	COMPLAINT
)	
v.)	
)	
STEPHEN C. PFAFF, PATRICIA)	
VINCESI, JERRY LAVERONI, LEE)	
PHILLIPS, and RALPH SOZIO,)	
)	
Defendants.)	Malicious Prosecution
_____)	

Parties

- 1) Plaintiff Jeffrey L. Clemens is a freelance writer and activist. He is a citizen of the United States and the State of Ohio. His address is: 5210 W. Waterberry Drive, Huron, Ohio 44839.
- 2) Defendant Stephen C. Pfaff is a Boston-area attorney and longtime counsel to the Town of Scituate, MA. He is a citizen of the United States and the Commonwealth of Massachusetts. His address is: 57 Whittier Road, Wellesley, MA 02481.

- 3) Defendant Patricia Vinchesi is a former Administrator for the Town of Scituate, MA. She is a citizen of the United States and the Commonwealth of Massachusetts. Her address is: 56 Heywood Avenue, Melrose, MA 02176.
- 4) Defendant Jerry Laveroni is a retired New York City police officer and former Director of Team Security for the New York Yankees. He is a citizen of the United States and the Commonwealth of Massachusetts. His address is: 52 Old Oaken Bucket Road, Scituate, MA 02066.
- 5) Defendant Lee Phillips is an attorney in Los Angeles. He is a citizen of the United States and the State of California. His address is: 150 Pomar Lane, Santa Barbara, CA 93108;
- 6) Defendant Ralph Sozio is a former U.S. Secret Service Special Agent and is now currently U.S. Marshal for the Southern District of New York. He is a citizen of the United States and the State of New York. His address is: U.S. Courthouse, 500 Pearl Street, New York, NY 10007.

Venue and Jurisdiction

This is an action arising under Massachusetts Law. The citizenship of parties is diverse. The United States District Court/Boston therefore has jurisdiction pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1332.

Summary

This action brings a claim of malicious prosecution arising from federal charges initiated by the defendants in March 2010 during civil litigation involving the Town of Scituate, MA and its police department. These charges resulted in trial convictions and a 60-month sentence imposed upon the plaintiff. However, on October 6, 2017, the subject trial verdict was set aside.

The allegations herein establish that the defendants, in promoting plaintiff's prosecution, acted for a purpose other than justice - for benefit of persons in California - and, in doing so, caused significant harm to the plaintiff. Through his peculiar access to a U.S. attorney with deep undisclosed conflicts of interest, Defendant Pfaff sought multiple times to initiate prosecutions against plaintiff through an intermingling of numerous state and federal actors, all of whose actions, in their entirety, speaking to a purpose and intent far removed from justice.

Allegations

- 1) That on or about October 30, 2009, the plaintiff filed a lawsuit in federal court against, among others, Defendant Pfaff and the Town of Scituate, MA, with whom Defendant Vinchesi was employed as Town Administrator;
- 2) That the lawsuit brought a claim of malicious prosecution for a [state] charge of Unlicensed Private Investigator [UPI];
- 3) That the UPI charge was initiated by the Town of Scituate Police on or about May 17, 2005 and based solely upon an allegation that the plaintiff, on May 12, 2005, said to Scituate resident Shelly Laveroni that he was a private investigator;
- 4) That Shelly Laveroni has never sworn under oath to such allegation [understandable since the plaintiff indeed never said he was a private investigator] nor has the plaintiff ever been given opportunity either in civil or criminal process to cross-exam her, owing mainly to acts and omissions of Defendant Pfaff who has effectively represented her in ongoing litigation with the plaintiff since 2007;

- 5) That as of October 30, 2009, the Scituate Police and the Commonwealth of Massachusetts had yet to secure a lawful trial conviction for the UPI charge;
- 6) That the UPI charge was initiated *after* a May 16, 2005 contact to the Scituate Police by U.S. Secret Service Special Agent Ralph Sozio, of New York, a former colleague of Jerry Laveroni, father to Shelly.
- 7) That Ralph Sozio sought and received, by facsimile transmission and for an unstated purpose, a copy of a Scituate Police Report dated May 13, 2005 related to an inquiry made to Shelly by the plaintiff, at a house owned by Jerry Laveroni, after which plaintiff was arrested [These events are well-documented in prior related litigation];
- 8) That in subsequent Freedom of Information Act [FOIA] requests, starting in 2013, no reports by the Scituate Police were divulged to the plaintiff, particularly that which was faxed to Sozio in May 2005, nor any report by Sozio himself related to any law enforcement issue, and are presumed as not existing on the record with the U.S. Secret Service, strongly suggesting that Sozio acted as a private individual, not an agent;

- 9) That a trial for the UPI charge was scheduled for November 23, 2008 but was cancelled due to a supposed scheduling conflict with an unrelated civil trial [although it is well established that criminal trials take precedent over civil trials];
- 10) That plaintiff's UPI trial was effectively cancelled by the non-appearance of chief Commonwealth witness Shelly Laveroni who, at the time, was represented by Defendant Pfaff in related litigation involving the plaintiff [See Notice of Related Cases concurrently filed with this complaint, Case No. 07-cv-10845-RGS];
- 11) That on or about July 25, 2009, the plaintiff wrote a letter to Shelly Laveroni asking her to confirm, with evidence, her "being out of the country" on the day of the November 23, 2008 scheduled UPI trial and subsequent months as alleged to the Hingham District Court by ADA Richard Linehan who prosecuted the UPI;
- 12) That Shelly did not respond nor provide any evidence or information with respect to plaintiff's request;
- 13) That on or about July 28, 2009, however, Defendant Jerry Laveroni, Shelly's father, called the plaintiff for an unstated reason;

- 14) That the plaintiff, at the time of Laveroni's call, was indisposed and suggested talking at another time, after which Defendant Laveroni voluntarily provided three [3] separate phone numbers for the plaintiff to reach him [Laveroni], a *home* phone, a *cell* phone and a *work* phone;
- 15) That several days later the plaintiff called Laveroni using his cell number and indeed reached him when, as he self-described, he was "on the field", presumed to be the field at Yankee Stadium, and so, asked that he [plaintiff] call him on his office phone after some minutes, presumably so he could get to his office;
- 16) That plaintiff indeed called Jerry Laveroni at his office phone some minutes later, but Laveroni did not answer and, instead, a recording machine or some other voicemail-type device was activated;
- 17) That the plaintiff, in a message left on said machine, asked Defendant Laveroni to call him back;
- 18) That Defendant Laveroni never called plaintiff back;
- 19) That on or about August 30, 2009, the plaintiff wrote a letter to Defendant Pfaff and informed him of Jerry

- 19) (continued) Laveroni's then recent contact [His call, with he being a client to Pfaff in then prior related litigation involving the plaintiff, was arguably out of place and inappropriate] and furthermore insisted upon receiving documentary evidence, such as copies of passport entries, proving Shelly was "out of the country... in Italy", as was told to the Hingham [MA] District Court the previous December [2008] at a rescheduled hearing resulting from the trial mishap spoken to previously in this complaint;
- 20) That Defendant Pfaff never responded to plaintiff's request, however, he [Pfaff] did, as learned later, indeed take action involving federal law enforcement agents, attempting to characterize plaintiff's letter as "threatening";
- 21) That on or about September 2, 2009, unbeknownst to the plaintiff, Defendant Pfaff forwarded, by email [gotten through pretrial discovery in 2011], a copy of the plaintiff's August 30, 2009 letter to FBI Special Agent Eric Toole;
- 22) That Pfaff included in his email to Toole a reference to Defendant Laveroni advising him [Pfaff] to contact

- 22) (continued) U.S. Secret Service Special Agent Ralph Sozio as well as the New York U.S. Attorney's Office;
- 23) That in April 2008, during earlier related litigation, Pfaff cancelled a scheduled deposition with Scituate Police Sergeant Mike O'Hara at the last minute and did so through filing of what he described as an emergency motion, one in which plaintiff was not able to oppose as he was on the road to Boston from Ohio to conduct the O'Hara deposition;
- 24) That, in protest to Pfaff's last minute tactics, since discovery had been ongoing for months without any stated issue, the plaintiff left a series of voicemail messages with his [Pfaff's] office phone, after which Pfaff presented the messages to FBI Special Agent Toole, presumably doing so for consideration of some kind of "interstate threat" charge which, of course, never developed, for obvious reason as said messages contained no actionable threats but mere adversarial and blustering language;
- 25) That upon service of plaintiff's October 30, 2009 lawsuit upon Defendant Vinchesi, on or about November 8, 2009, the Town of Scituate defaulted, that is, it

- 25) (continued) failed to answer the subject complaint within 20 days [by November 28, 2009] as was required by the Federal Rules of Civil Procedure;
- 26) That on or about December 10, 2009, the plaintiff addressed a letter to Defendant Vinchesi, then Town Administrator, concerning the then recently filed lawsuit and the town's default, later following on with phone calls and other letters, all in an attempt to resolve the matters at hand, including especially the default for which the plaintiff filed, with the court, a requisite Notice of Default and likewise a Request For Entry of Default Judgment;
- 27) That Defendant Vinchesi never in any way answered the plaintiff's communications (letters and phone calls) yet she, as learned later [pretrial discovery in 2011], took immediate action to contact Defendant Pfaff;
- 28) That Defendant Pfaff, on or about December 22, 2009, contacted the plaintiff, by phone, asking plaintiff to set aside his then recently filed Notice of Default;
- 29) That upon Defendant Pfaff's request for a set aside, plaintiff declined to oblige and, in turn, Pfaff gave notice that he intended to appear and answer for the

- 29) (continued) Town of Scituate and Shelly Laveroni [who, too, was served process at the same time at the town];
- 30) That immediately upon Pfaff notifying plaintiff of his intent to appear and answer for the two defendants, the plaintiff addressed a letter to Patricia Vinchesi informing her of the conflict with Pfaff representing co-defendants and police witnesses in the same suit, a situation disallowed by the Rules of Professional Conduct, furthermore sending it as an email attachment to Vinchesi in addition to regular mail;
- 31) That Defendant Vinchesi, as learned later [pretrial discovery in 2011], immediately forwarded plaintiff's email to Defendant Pfaff who then immediately emailed it to FBI Special Agent Toole, claiming some sort of a "threat" within the letter [none existed];
- 32) That FBI Special Agent Toole, in turn, as was later learned [pretrial discovery in 2011] immediately forwarded the plaintiff's email [to Vinchesi] to a certain Assistant U.S. Attorney Nadine Pellegrini;
- 33) That Pfaff, on December 23, 2009, at the will of the Town of Scituate's head administrator [Vinchesi], did indeed appear and answer for both Defendants Shelly

- 33) (continued) Laveroni and the Town of Scituate, making blanket denials but failing to Show Cause for their defaults, what is otherwise, by well-established rule and precedent, required of defaulted parties;
- 34) That following a February 10, 2010 court hearing [what was designated a Scheduling Conference], at which only Defendant Pfaff was present [a family matter precluded plaintiff's appearance], plaintiff gave notice to Pfaff of his intent to depose Shelly Laveroni on or about March 25, 2010;
- 35) That on or about March 5, 2010, Defendant Pfaff filed a Rule 12 motion for dismissal as for himself despite he himself having not been served process and despite the fact that courts, as is widely known, do not have jurisdiction to hear motions from parties who have not yet been served process;
- 36) That on or about March 8, 2010, upon receipt of a copy of Defendant Pfaff's Rule 12 motion, which came as a surprise since Rule 12 motions are not possible once parties have answered the complaint [the remedy, in that case, is a Rule 56 motion], the plaintiff emailed

- 36) (continued) Pfaff informing him, among other things, his [the plaintiff's] intent to file an opposing brief;
- 37) That Defendant Pfaff, the next day, on or about March 9, 2010, forwarded plaintiff's email to the presiding judge in the then current lawsuit against Shelly and the Town of Scituate [Hon. William G. Young], with a short message "The *latest* missive from Clemens", doing so ex parte and without notice to the plaintiff who, of course, would have asked, "What *prior* missives were sent to Judge Young or otherwise described to him, say, at the February 10, 2010 hearing before him, one at which plaintiff was not present?" [The court later claimed, when asked to produce official transcripts, the hearing was not recorded];
- 38) That Pfaff, about 30 minutes later, emailed Young again and informed him that he [Pfaff] had contacted FBI Special Agent Eric Toole and, again, not informing the plaintiff of his [Pfaff's] ex parte communication, a practice that is generally disallowed in the courts but for administrative reasons;
- 39) That these Pfaff emails [to Young] were not divulged to the plaintiff until August 2010, five months later,

- 39) (continued) meanwhile, the plaintiff's lawsuit against Pfaff, Shelly Laveroni and the Town of Scituate was thrown out, by Young, for a supposed yet unspecified and unrevealed "scurrilous communication";
- 40) That likewise, on March 9, 2010, *after* emailing Young, Pfaff forwarded the plaintiff's March 8, 2010 email to FBI Special Agent Eric Toole who then "gleefully", as evidenced by his language, forwarded the email to U.S. Attorney Nadine Pellegrini who, less than five minutes later, as evidenced by time stamps, emailed Toole back and exclaimed, "We now have to charge this guy", this despite the email's extensive reference to all manners of police, prosecutorial and judicial misconduct, acts which call for prudence and thoughtful inquiry beyond a mere few minutes;
- 41) That on or about March 11, 2010, Defendant Pfaff, despite supposedly having received a "threatening" email from the plaintiff, personally called plaintiff and read to him [the plaintiff] verbatim a court order from Judge Young directing plaintiff to Show Cause as to why his case should not be dismissed for some kind of supposed "scurrilous communications", otherwise not divulged;

- 42) That on or about March 11, 2010, as learned later [pretrial discovery in 2011], FBI Special Agent Rachel Boisselle emailed Defendant Pfaff and *apologized* for not yet obtaining an arrest warrant for the plaintiff [It is worth noting that at the time (March 2010) Pfaff represented numerous FBI agents in civil appeals related to noted gangster Whitey Bolger and his 1995 indictment, after which Bolger was tipped off by FBI handlers and went "on the run", actions which led to numerous gang-style killings and civil filings];
- 43) That on or about March 16, 2010, Agent Boisselle swore out a warrant for the arrest of the plaintiff for, by his email to Pfaff, an alleged violation of federal law;
- 44) That Agent Boisselle's warrant request referred to, among other things, a lawsuit filed by the plaintiff "on August 3, 2009" [sic], even though his lawsuit [for Malicious Prosecution on the UPI] was actually filed on October 30, 2009;
- 45) That "August 3, 2009" was merely the date ascribed to the signature page on the subject complaint, not to a filing date, and was the only place such date appears,

- 45) (continued) thus indicating that Boisselle had read the complaint prior to seeking an arrest warrant, arguably seeking the warrant due to what the complaint alleged but which went unstated, suggesting ill-motive;
- 46) That such complaint, signed August 3, 2009 and filed October 30, 2009, was arguably damning to Defendants Pfaff, Laveroni and Sozio [The complaint is a matter of record and therefore not cited herein];
- 47) That on March 17, 2010, the plaintiff was arrested at his home in Huron, Ohio, on the Boisselle warrant, and released five days later on a 250K property bond and GPS ankle monitor;
- 48) That, according to testimony proffered in March 2019, Scituate Police Chief Michael Stewart, under oath, voluntarily stated that he was "friends" with FBI Special Agent Randy Jarvis;
- 49) That Randy Jarvis is a resident of Scituate, MA;
- 50) That Randy Jarvis is [or was in 2010] Agent Rachel Boisselle's *supervisor*;
- 51) That Brian Stewart, uncle to Mike Stewart, preceded Michael Stewart as Scituate's Chief of Police and was

- 51) (continued) Chief of Police when the plaintiff was first charged with UPI in May 2005 and likely himself has relations to Randy Jarvis and was complicit with the bringing of the UPI charge;
- 52) That despite having received, from Defendant Pfaff, three (3) prior communications from the plaintiff, otherwise deemed "threatening", Agent Toole did not swear out a warrant for the plaintiff's March 8, 2010 email to Pfaff [Boiselle did], thus avoiding scrutiny;
- 53) That despite having received, from Agent Toole, at least two if not more prior communications of the plaintiff otherwise deemed "threatening", AUSA Nadine Pellegrini did not prosecute the plaintiff [seek his indictment] but, rather, AUSA David Tobin, a former ADA at the Hingham District Court where the noted UPI prosecution [subject of the plaintiff's then current litigation] occurred;
- 54) That, as such, AUSA Tobin is a former colleague of a certain ADA Richard Linehan who had conducted said UPI prosecution at the Hingham District Court and, in turn, had represented that Shelly Laveroni was "out of the country until late January [2009]", thus precluding a

- 54) (continued) UPI trial before then and any cross-examination of the Commonwealth's chief witness, Shelly Laveroni;
- 55) That on or about November 5, 2008, upon being asked by a Hingham District Court judge whether he and his witness [Shelly Laveroni] were ready for the November 23, 2008 trial, ADA Richard Linehan said, "Yes, Your Honor."
- 56) That ADA Linehan is a longtime colleague, at what is called the Babe Ruth Little League [Hingham], of a certain Daniel Morrison, insurance underwriter for the Town of Scituate who later [in 2009] was sued by the plaintiff as well, in addition to Pfaff and the Town of Scituate [both Linehan and Morrison were coaches, the former being the league's president as well];
- 57) That Dan Morrison's firm, Trident Insurance Services of New England, was indeed served process and in fact filed a timely [if not inappropriate] Rule 12 motion to dismiss, which was never subsequently ruled upon due to Judge Young dismissing the case for a supposed "scurrilous communication";

- 58) That AUSA David Tobin, on or about April 16, 2010, at a grand jury proceeding, by and through the testimony of Rachel Boisselle, represented to the jury that the plaintiff, at the time of his arrest [March 17, 2010], had said to the arresting officer [FBI Special Agent Tom Greenawalt] that he [the plaintiff] "knew that his email would be taken as threatening";
- 59) That FBI Special Agent Tom Greenawalt's official 302 Form Report of plaintiff's arrest does not cite such a statement or anything resembling it, as would surely have been reported if it was indeed said [it was not] as such statement speaks directly to the standard used at the time by the First Circuit to evaluate the elements of the charge at hand [Email Threat];
- 60) That, as such, Tobin and Boisselle, at the grand jury proceeding wherein they obtained an indictment, made knowingly false statements;
- 61) That at the plaintiff's later trial, FBI Special Agent Greenawalt did not testify, under examination by Tobin, to the plaintiff as having said, upon his arrest, that he "knew his email would be taken as threatening";

- 62) That, again, Tobin is a former colleague of Linehan, conductor of the underlying UPI prosecution, and Chief Stewart is a friend of Randy Jarvis, supervisor to FBI Special Agent Boiselle whose warrant brought about the arrest of the plaintiff and whose testimony was used to obtain an indictment of the plaintiff;
- 63) That pretrial, from March 2010 to May 2011, plaintiff fought vigorously for dismissal of Tobin's indictment, parts of the grand jury transcript record of which were withheld until the eve of trial [instructions to the jury immediately following the Boiselle testimony noted above] and, too, following conviction, the plaintiff sought trial verdict set aside on numerous bases clear up to his January 2012 sentencing;
- 64) That the plaintiff's March 8, 2010 email contained not threats of harm but mere wishes and desires of which have long been deemed, by the U.S. Supreme Court, as being protected Free Speech, yet plaintiff received a 60-month prison sentence, all of which was served;
- 65) That, in fact, at the grand jury proceeding on or about April 14, 2010, AUSA Tobin, when asked by a juror whether curses are threats, answered, "That is

- 65) (continued) up to you to decide" when his answer should have been "No" as curses are "wishes and desires" and thus constitutionally protected Free Speech;
- 66) That AUSA Tobin's misrepresentation, to said juror, was meant to sway the jury in favor of indictment and indeed swayed the jury as such misrepresentation had the effect of giving judicial powers to a group of jurors who otherwise do not possess authority to make such a ruling [deeming a curse a threat] as they are but to decide probable cause and nothing else;
- 67) That on April 1, 2015, the plaintiff filed for habeas corpus relief on numerous bases [not cited as they are a matter of record];
- 68) That on October 6, 2017, the U.S. District Court, presided over by the Hon. Douglas Woodlock, set aside the May 11, 2011 subject trial verdict for which the plaintiff's March 8, 2010 email to Pfaff [and cc'd to Vinchesi] was subject;
- 69) That in the spring of 2018, the U.S. Attorney's Office announced its intent not to retry plaintiff;

- 70) That following the U.S. Attorney's announcement noted above, Judge Woodlock issued a court order dismissing the case [the 2010 threat prosecution] in its entirety.

Other Relevant Allegations

- 1) That since the April 1, 2015 habeas filing, and March 8, 2016 release of plaintiff from Supervised Release, besides the harm incurred as an incarcerated person, the plaintiff has endured numerous harmful actions on the part of Defendants Pfaff and Vinchesi;
- 2) That in March 2016, one day following the plaintiff's release from the sentence imposed upon him by the May 2011 trial, conducted by AUSA Tobin, Defendant Pfaff motioned for an injunction for a second time [his first motion in 2013 was over-turned in 2015] seeking to bar the plaintiff from filing lawsuits against anyone tied to his 2005 Scituate prosecution without first having leave of the court;
- 3) That Judge Dennis Saylor, currently the chief judge of the U.S. District Court/Boston, in July 2016, granted the Pfaff motion, later appealed and upheld, as can be argued, *wrongly* upheld as Pfaff never "more narrowly

- 3) (continued) tailored" his motion, as directed by the appeals court, nor divulged, in his motion, that on June 16, 2015, charges against the plaintiff at the Hingham District Court were dismissed and, at that, without having achieved any lasting conviction in over ten [10] years [a valid claim on the very face] and, too, the injunction being clearly too broad and far-reaching, including even U.S. Marshals and many others who were not even ever served process and could have not ever possibly argued for an abuse by the plaintiff;
- 4) That Pfaff, in his pleading that sought an injunction, which he first brought amid a Rule 12 dismissal motion in 2014 [which precludes introduction of any documents but a select few governed strictly by rules of civil procedure], introduced a *judgment* [by an arguably coerced plea] from a Los Angeles case and an earlier federal prosecution that commenced just days after plaintiff's May 12, 2005 inquiry to Shelly Laveroni [a warrant of arrest was sworn out on May 23, 2005 and the plaintiff arrested on May 25, 2005 by FBI Special Agent Tom Greenawalt, who was, at the time, arguably, a colleague of FBI Special Agent Eric Toole [Toole is married to Krista Shoaff, herself an FBI agent as well

- 4) (continued) as her father, Stuart, and great uncle, Clark, all FBI agents and all having lived in Ohio near Cleveland where Eric Toole once lived and where arrestor Tom Greenawalt has long-called home];
- 5) That the subject of the judgment involved a certain U.S. District Court judge by the name of Dickran Tevrizian, an alleged victim of a supposed threat by the plaintiff by and through a letter sent to him [Tevrizian] two (2) days after the plaintiff's arrest in Scituate [May 12, 2005], and admittedly sent because of said arrest, seeking explanations for his [Tevrizian's] conduct in earlier litigation by the plaintiff and involving a literary and talent agency [Creative Artists], litigation for which the plaintiff was inquiring when he visited Scituate, MA on May 12, 2005 [This is well-documented in related litigation];
- 6) That Dickran Tevrizian is a former associate of Manatt Phelps and Phillips, a Los Angeles entertainment law firm at which John F. Kennedy, Jr., as a law student at New York University, interned in the summer of 1988;
- 7) That AUSA Nadine Pellegrini, as two independent online sources reveal, has familial ties to a winery on Long

- 7) (continued) Island, New York's North Fork, called Pellegrini Vineyards, where at one time the second husband to Jacqueline Kennedy's step-brother [Hugh Auchincloss]'s first wife once acted as manager and vintner, a person [Larry Perrine] originally from Los Angeles and a vintner at Pellegrini at the time JFK, Jr. interned at Manatt;
- 8) That the Long Island vineyard noted above is owned by a former partner to Michael Gross [deceased] who produced numerous movies "packaged" by Creative Artists and Michael Ovitz [e.g. Ghostbusters], both adversaries to the plaintiff in prior litigation which involved issues with Tevrizian, and movies of which were directed by Ivan Reitman, of Santa Barabara, a colleague of Lee Phillips, of Manatt, Phelps and Phillips, at the Santa Barbara International Film Festival [SBIFF] [both are longtime board directors];
- 9) That the daughter-in-law to the vineyard owner noted above [Anais] maintains an office in a building occupied by the SBIFF and is, too, a colleague of Lee Phillips at numerous Santa Barbara, CA organizations of which his wife is involved, such as, for instance, "Girls Rock" on whose board all three reside;

- 10) That, too, Anais is significantly involved with the Dream Foundation, as is Lee Phillips' wife and, too, Priscilla Presley, a former longtime board member of MGM, a co-defendant in plaintiff's Creative Artists litigation [previously referred to herein] and former associate of Robert Conrad, himself a former colleague of Defendant Jerry Laveroni and whose name, as is well-established in prior litigation, was referred to on May 12, 2005 when the plaintiff made his inquiry to the Laveroni residence and after which he [plaintiff] was arrested;
- 10) That the plaintiff in recent days has sought comment from Lee Phillips on this matter involving AUSA Nadine Pellegrini and Anais, by email communication to his firm, but has not heard back from him as of the last and final revision of this complaint;
- 11) That from September 2016 to July 2017 the plaintiff , made numerous attempts to meet personally with Ralph Sozio at his then newly organized cigar shop called The Eagle's Nest, in Harrison, NY, to no avail, at one point leaving a business card with the plaintiff's email address affixed and expecting a response that never came;

- 12) That on the night of the very day upon which a Sozio colleague was given the plaintiff's business card, a message was sent, by Gmail, to the plaintiff warning of an attempt by someone in *Los Angeles* to sign into his email;
- 13) That both Nadine Pellegrini and Anais have ancestral ties to Malta and mainland Italy in the general area of Potenza and Matera;
- 14) That Ralph Sozio, too, has ancestral ties to Italy, in Pratola Serra, not all too distant from Potenza, a coincidence that begs for an inquiry, especially given that Defendant Sozio has three uncles in said region;
- 15) That AUSA Tom Weldon, of Toledo, Ohio, in May 2005, at the first hearing following the plaintiff's arrest by Tom Greenawalt [and to remind the reader, for a so-called "threat" charge involving Dickran Tevrizian, "victim" and former colleague of Los Angeles attorney Lee Phillips], reported to the court that he had been informed by the *Secret Service* of the open HDC charges;
- 16) That Randy Levin is a longtime (and current) president of the New York Yankees as well as a longtime trustee on the board of George Washington University [GWU];

- 17) That Charles Manatt, former longtime colleague of Lee Phillips, was, too, a longtime trustee on the board of GWU (from 1983 to 2008) and, as such, was a longtime colleague of Levine who, it is believed, ties to Sozio;
- 18) That from March 2016 to May 2016, *following* Defendant Pfaff's filing of a motion for injunction against the plaintiff [obviously "okayed" by the Town of Scituate, his longtime client with respect to the plaintiff's litigation], Chief Mike Stewart and Defendant Vinchesi announced and orchestrated numerous Executive Sessions of the town's Board of Selectmen [BOS] for a stated purpose of "Clemens - Security";
- 19) That it is believed these sessions were actually to discuss "Litigation", not security, as there was never at any time prior any issue to do with "security" and "Clemens" [the plaintiff as of that time had not set foot in any Scituate building or residence in nearly 11 years and, even then (May 2005), he had only made a public records search with the assessors office and a simple albeit incomplete inquiry to Shelly], that is, there exists a security issue concerning "Clemens" nowhere but in the imagination of Chief Stewart and Vinchesi and, as well, there exists no statement by

- 19) (continued) the plaintiff that speaks to any intended harm by him upon Vinchesi or any other town employee [as for how Tobin got an indictment and conviction for a threat to Vinchesi is baffling to this very day but then again, there no longer exists a conviction];
- 20) That as a result of Pfaff's injunction motion, the plaintiff was required to travel to the Hingham District Court [HDC] to obtain records of his UPI case for exhibition and support and indeed, on or about April 12, 2016, plaintiff went to HDC with his brother, Jonathan, gathered some documents and, when they left the courthouse, they were followed and harassed by the Hingham Police, that is, they were pulled over by the side of the road and wrongly accused of not having a license [It was later learned that an unknown and since then unidentified courthouse employee called Sergeant O'Hara - 2005 arrestor of the plaintiff - and he, in turn, directed the Hingham Police to pull the plaintiff over; as for whether AUSA Tobin knows such "hidden agent", at the HDC, where he once worked, is a question left for another day];
- 21) That following the Hingham pullover, the plaintiff and his brother went to the Scituate Police Department to

- 21) (continued) complain but were directed to Chief Mike Stewart, who then served No Trespass Notices on each of them, with the stipulation that they were to "stay away" from Scituate Town Hall [where, coincidentally, public records are kept, especially all minutes of the BOS];
- 22) That upon doing online inquiries as to meeting dates and times for BOS meetings [so that plaintiff might attend a meeting and protest the conduct of Stewart and Vinchesi], the plaintiff discovered that Executive Sessions of the BOS had been called and indeed took place in regards to plaintiff, March through May 2016;
- 23) That in September 2016, the plaintiff indeed traveled to Scituate to attend a BOS meeting, thereupon seeking minutes beforehand at the Scituate Town Hall;
- 24) That the plaintiff, upon making an otherwise legal public records request, was arrested and held overnight on the authority of Chief Stewart's No Trespass Notice, thus precluding attendance of the BOS meeting;
- 25) That the plaintiff was prosecuted for Trespassing and in preparation of his defense made a phone inquiry to the Town of Scituate Records Office, in February 2017,

- 25) (continued) after which he [plaintiff] was (falsely) charged with Intimidation of a Witness, unbeknownst to him [plaintiff] for over six [6] months;
- 26] That after inquiring again to Ralph Sozio's cigar shop in Harrison, New York, and after making inquiries to the U.S. Attorney's Office, in Toledo [to discuss with AUSA Weldon the involvement of Sozio in his 2005 federal prosecution], and after numerous conferences with FBI agents [S.A. Melissa Lewis of Syracuse, NY and others unnamed and unidentified], meet ups during which there was extensive discussion of Ralph Sozio, the plaintiff was arrested at gunpoint by seven armed police on August 17, 2017 at his home in Huron, Ohio, and despite his protests and filing a habeas corpus petition, he was extradited to Massachusetts and released only after posting a 30K cash bond and having a GPS monitor attached to his ankle, eventually being held for a total of 54 days, all for simply seeking the name of a Scituate town clerk encountered by the plaintiff and his brother in their visit to the town's records office in the preceding spring [April 2016];
- 27) That the woman making the accusation, of intimidation, and who was not a witness at all to "trespassing", as

- 27) (continued) the visit predated Stewart's No Trespass Notice, was Therese Tufts, whose son Brian, yes, is a police officer working with and beside Chief Stewart;
- 28) The that plaintiff, after being dragged through twenty [20] months of pretrial GPS monitoring and such, was acquitted of the Intimidation of a Witness charge in April of 2019;
- 29) That upon receiving copies of documents sent to the Governor of Ohio [John Kasich] by MAGO [Massachusetts Attorney General's Office], it was learned that an AHRO [Anti-Harassment Restraint Order] was issued by the Hingham District Court at the request of Defendant Vinchesi on November 1, 2016;
- 30) That the service of the AHRO on the plaintiff was falsified by the Erie County [Ohio] Sheriff's Office [ESCO], an agency with whom former FBI Special Agent Tom Greenawalt now works;
- 31) That the ESCO alleged service of the AHRO on November 3, 2016 at about 10:00 a.m., however, the plaintiff was at the Huron [Ohio] Public Library since 9:00 that morning, verifiable by computer user records, going

- 31) (continued) afterward to the post office, at 11:03, from which a printed and dated receipt was generated;
- 32) That the ESCO cited a records number referring to an entirely unrelated auto accident event;
- 33) That the brother to the deputy who supposedly served the plaintiff attended Ohio University at the same time [1992-1996] as Krista Shoaff, wife to FBI Eric Toole, facilitator of Pfaff communications to Nadine Pellegrini and a major "player" in the "build up" to the plaintiff's 2010 federal prosecution;
- 34) That on the morning of November 3, 2016, since he had just returned from a long trip to the East Coast, the plaintiff, to give his own car a rest, had borrowed a family member's car and that, as such, it appeared that the plaintiff was home and therefore subject to service, only, he was not at home and the deputy, for some nefarious reason [not hard to guess why], took the opportunity to falsify service and actually keep notice of the AHRO from the plaintiff, with the not too unlikely hope that he "violates" the order and can then be arrested and charged per the will of Defendant Vinchesi and the Scituate Police;

- 35) That the request for service of the AHRO did not come from the Hingham District Court [it had the day before attempted to serve the AHRO on an old former address, even though the court had indeed the current address of the plaintiff as the plaintiff had, then recently, filed numerous pleadings that clearly referred to a new and correct address] but, rather, the ESCO was directed by the *Scituate Police Department* to serve the AHRO, as is verifiable by documentary evidence;
- 36) That the AHRO itself, sought by Defendant Vinchesi, cited three absolutely innocuous events; two separate letters to her seeking to mediate the plaintiff's claims and the September 2016 visit to the Scituate Town Hall merely to obtain a public record, which were all legal and proper acts inappropriately "spun" by Vinchesi to obtain an AHRO which, in turn, was not served on the plaintiff [he learned of it from jail in September 2017] so had no opportunity to object or oppose;
- 37) That on or about July 25, 2009, Attorney Matt Cameron filed a Rule 32 motion for retrial in regards to the subject UPI charge, which was otherwise "CWO'F'd" since December 2008;

- 38) That the Hingham District Court "ignored" the Cameron motion clear until January 2012, until just before the plaintiff's federal sentencing [in this lawsuit's subject prosecution], making the peculiar move to fax a request to the judge, who had since moved to another district, to resolve an open parole violation issue yet, instead, the judge ruled on the Cameron motion, denying it without explanation or opinion yet, the HDC, in turn, never notified either Cameron or plaintiff [the plaintiff discovered this little nasty maneuver when visiting the HDC in June 2015 to clear a warrant but which turned into a blanket dismissal of all matters otherwise open or ongoing since May 2005];
- 39) That in February 2009, after the plaintiff's release from jail on a related [to the UPI] trial conviction for disorderly conduct [verdict was vacated in July 2010 on appeal], and four (4) days into his ten-day parole [plaintiff was previously prevented from being paroled by the open UPI charge, itself separated from a disorderly conduct charge that should have been tried together but was not, for arguably nefarious reasons], his parole officer, John Torchio, inquired

- 39) (continued) of USSS Ralph Sozio, having been made curious by a reference to a "presidential threat" arrest, itself an erroneous and suspicious mis-characterization of plaintiff's May 2005 arrest on the Tevrizian charge, which later, as "background", showed up in Torchio's files from Hingham District Court;
- 40) That the plaintiff only learned of Torchio's call to Ralph Sozio after speaking with HDC probation officer Robert Tobin in August 2010, who read from his notes;
- 41) That after the otherwise undocumented contact with Sozio, Torchio sought to violate the plaintiff by alleging that the plaintiff's address was "unknown", even though the plaintiff had previously left new address information with Torchio on his voicemail;
- 42) That indeed Torchio secured an arrest warrant for the plaintiff, violating him both for the disorderly conduct charge and the UPI, thus preventing any action on anything filed by the plaintiff with the HDC, including a December 2008 motion by the plaintiff to set aside a CWOFF [Continuation Without A Finding] after it became apparent to the plaintiff that the UPI trial mishap was a complete ruse;

- 43) That there exists a "hidden agent" at the HDC who is aiding the Scituate Police, Ralph Sozio, and Stephen Pfaff, and has done so, alarmingly, on an ongoing basis and such person, it is believed, is likely known to AUSA Tobin if not Pfaff himself;

Damages

1. That as a result of the his federal prosecution on the charge of Interstate Email Threat, the plaintiff has had to endure multiple and extensive physical, financial and emotional costs and expenses, pain and suffering, anxiety, apprehension, humiliation, embarrassment in newspapers, court records, online and in social, professional and academic circles, inconvenience, frustration, extensive and undue travel, the inability to renew his drivers license for many months as result of warrants outstanding, loss of respect and reverence of his friends, family, colleagues and peers, lost income, loss of consortium and numerous and various opportunities lost or impaired and other damages not as yet known, identified or accrued.
2. That as a result of the federal prosecution of plaintiff on the subject Interstate Email Threat charge, which saw numerous periods of extended incarceration, restrictive pretrial conditions [home confinement, GPS monitoring and

- no travel] and, as well, required his appearance at pre-trial hearings as well as a trial, the plaintiff had to endure delays and interruptions in the pursuit of his graduate studies, work credentials, and other projects;
3. That as a result of the long, ongoing, baseless and seemingly endless prosecution of the plaintiff by and through the acts and omissions of the defendants, which brought about extended periods of *federal* as well as state incarceration, the plaintiff's follicular thyroid cancer treatment saw significant delays and omissions that could as yet bring about indeterminable future pain, suffering, and anxiety, including long-term negative effects of having gone 14 months, while incarcerated, without thyroid hormone replacement, following surgery, a situation causing hypothyroidism, itself a condition that first, while incarcerated, caused extensive fatigue and muscle spasms, but which has led to chronic low back pain due to hypothyroidism-induced spinal degeneration that exists to this very day and requiring, for the last three years, that the plaintiff sleep on a recliner despite months of physical therapy which, at this point, though succeeding in part, may not ever fully remedy the pain experienced by the plaintiff.

Facts Relied Upon

Allegations herein are supported by facts and evidence contained in public court records, police reports, the sworn testimonies of Jeffrey L. Clemens and Jonathan A. Clemens, that which is obtainable under Discovery including sworn depositions, expert testimonies, the testimony and reports of past and present employees of the U.S. Secret Service, the Federal Bureau of Investigation {FBI}, the Scituate Police Department, Hingham Police Department, the Town of Scituate Board of Selectmen, including official minutes and other written documents, and others yet to be cited or yet unknown, including but not limited to those associated with the Hingham District Court, the Hingham Probation Office, Massachusetts Parole Board and Attorney General's Office, and the Manatt, Phelps, and Phillips law firm.

Cause of Action

The preceding facts, provable allegations and reasonable inferences made from them constitute actionable conduct on the part of the named defendants, to be otherwise designated as Counts [1] to [5], more specifically:

1. The acts and omissions on the part of Defendant Stephen Pfaff constitute malicious prosecution.

2. The acts and omissions on the part of Defendant Patricia Vinchesi constitute malicious prosecution.
3. The acts and omissions on the part of Defendant Jerry Laveroni constitute malicious prosecution.
4. The acts and omissions on the part of Defendant Lee Phillips constitute malicious prosecution.
5. The acts and omissions on the part of Defendant Ralph Sozio, herein named in his personal capacity, constitute malicious prosecution.

Relief Sought

The plaintiff prays for equitable relief in the form of damages, in the amount of \$800,000 compensatory, to be proven at trial, and \$2,400,000 punitive, and other relief as deemed fair and appropriate.

Jury Trial

The plaintiff hereby demands a trial by jury pursuant to Rule 38(b) of the Federal Rules of Civil Procedure.

Respectfully submitted,



Jeffrey L. Clemens

Dated this 2nd day of October 2020